



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,795	08/26/2003	Walter H. Delphin	081904/0305735	2065
20583	7590	03/18/2008		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER YOON, TAE H	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			03/18/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Attachment to Advisory Action

Amendment will not be entered since newly submitted claim 40 raises new issues as following reasons;

1. Broadened claims outside the two year statutory perion under 35 U.S.C. 251 since cancellation of a phrase (a comonomer that copolymerizes with methyl methacrylate) recited in the examined claim 1 broadens scope of claim 40 since said claim 1 inherently requires presence of methyl methacrylate witin a matrix of polymethylmethacrylate (PMMA) as evidenced by the disclosure throughtout specification and method claims and by the cancelled phrase, but said claim 40 does not require copolymerization of said methyl methacrylate with the recited comonomer.
2. New matter rejection under 35 U.S.C. 251 since broadening of subject matter is considered new matter.
3. Raises new issue under 35 U.S.C. 112, 2nd PP since the recited comonomer alone is confusing and indefnitie in said claim 40 since said comonomer would require at least another comonomer which is not recited and since said comonomer could be crosslinked with polymethylmethacrylate in particles (b) with a crosslinker.

Applicant's response and 1.132 declaration have been considered, but found unpersuasive as following reasons;

1. Swell ratios with time in Fig. 1 are not claimed limitation, and the limitation found in specification does not limit scope of claims. 8% comonomer with 40 minutes show a swell ratio of about 2.5 and 12% comonomer with 40 minutes show a swell ratio

of about 3.1-3.2, However, such swell ratio would be expected since a higher amount of a comonomer would have yielded a faster swelling, Another words, it would take a less time to obtain the same swell ratio with respect to a composition having a lower amount of a comonomer. Furthermore, it would be expected to take less than 40 minutes in order to obtain said swell ratio of about 3.1-3.2 for a composition with 30% comonomer, for example.

The art of record, Kishida et al (JP 59-38253A), also teaches swell ratio of 3-25 at page 2 of English translation, and thus modification (such as the asserted swell ratio even though it is not claimed limitation) of said JP is a *prima facie* obviousness since JP teaches the swell ratio of the instant Fig. 1.

2. For swell ratio of about 4, 12% comonomer takes about 70 minutes and 8% comonomer takes about 130 minutes and one can obtain the same swelling ratio for different amounts of comonomers given different times, but again, such time is not claimed limitation.

Applicant's asserted properties (such as a faster curing time, extent of swelling and swelling time thereof, desired granite appearance (subjective expression) and thermoforming temperature) in PP 7 of the declaration are not claimed limitation, and thus said assertion has little probative value.

3. Even if said Fig. 1 and declaration had some probative value, the scope of claims is broader than the showing with respect to particular comonomer(s) and crosslinker used therein.

A copy of the initialed PTO-1449 filed on Jan. 17, 2008 is enclosed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tae H. Yoon whose telephone number is (571) 272-1128. The examiner can normally be reached on Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tae H Yoon
Primary Examiner
Art Unit 1796

THY/March 12, 2008

/Tae H Yoon/